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SOME SUGGESTIONS FOR IMPROVING THE LAW SCHOOL LIBRARY SERVICE*

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NO DOUBT some readers, who agree with what has been said in the preceding articles, both with respect to the intimate relationship between the library service and legal education, and regarding the essentials of such a service, will, nevertheless, advance as an objection to many of the recommendations submitted the fact that, since such a library service as has been envisioned is financially beyond the reach of many law schools, such proposals are too impractical to merit serious consideration. Such a conclusion, however, does not inevitably follow, and indeed it can only be reached by disregarding important contemporary developments to some of which attention has already been called and by ignoring their significance for the future. As a matter of fact it is this very attitude that is the crux of our problem. It is entirely too convenient as an excuse for the complacent acceptance of conditions which can in fact be improved. As is the case with respect to any constructive program, effort and enlightened enthusiasm are indispensable. The prerequisites to success, in this instance at least, are (1) a realistic appraisal of the situation as it exists today, (2) a reasonably clear formulation of the ideal toward which efforts should be directed, and (3) the devising of practical plans for the realization of the ends desired.

Since we have already, in the articles above referred to, necessarily stressed the ideals toward the realization of which all effort should be directed, we need not now concern ourselves with this matter. However, although we have also from time to time touched upon present conditions, it may be well to amplify what has heretofore been said in this connection, before proceeding with our principal present objective, namely, the consideration of a number of devices which may be utilized to improve the law school library service.

Those who are the best informed seem to be in complete agreement as to the inadequacy of present standards in legal education, and the paucity of library facilities has been noted over and over again. For example, even today 39 per

* This is the last of a series of three articles by Mr. Roalfe on the topic "The Developing Role of the Library in Legal Education." The first and second articles entitled *The Relation of the Library to Legal Education* and *The Essentials of an Effective Law School Library Service* appeared in the July and November, 1938, numbers of the LAW LIBRARY JOURNAL.—Editor's note.

cent of the law students of the country attend unapproved schools,¹ schools which for the most part make no attempt to provide library facilities.² Nor can it by any means be assumed that training in the use of law books is provided for all of the students who attend approved schools, for, unfortunately, in some of these compliance with present standards is more formal than actual,³ while in others little use is made of the books after they have been acquired. Moreover, as has already been indicated, the library requirements of both the American Bar Association and the Association of American Law Schools are not only low with respect to the contents of the library, but they have carefully avoided dealing in express terms with the all important question of library personnel, presumably because a considerable number of schools would be affected. That this supposition is correct was clearly demonstrated by the wording of the recent amendment to the Articles of Association of the Association of American Law Schools, relating to the librarian, so as not to take effect until September, 1940.⁴ In other words, even among the approved schools, the quite elementary fact that the library should be administered by a specially qualified person, freed from conflicting responsibilities, has had to be approached with the greatest of caution. In view of these indisputable facts there can be no doubt but that fully one-half of the persons who receive formal training for admission to the bar attend schools which are not equipped to familiarize their students with the fundamental legal materials or to furnish them with an opportunity to obtain facility in the use of the "tools of the profession."⁵

It goes without saying that no summary of the present situation would be complete which did not involve a frank recognition of the fact that funds sufficient to carry on an effective program of legal education have never been available. Probably this aspect of the problem has nowhere been more effectively stated than in the following language:

"Unfortunately, legal education has for many years been conducted upon a relatively low cost basis. One has only to compare the budgets of the law schools with those of the medical and other professional schools to realize that this is so. This fact, perhaps more than any other, explains many of the present deficiencies in legal education and is the chief obstacle in the way of improvement. Considering the

¹ See Shafroth, *Recent Changes in Admission Requirements and Law Schools*, AM. BAR ASS'N, ANNUAL REVIEW OF LEGAL EDUCATION FOR 1937, pp. 21, 23.

² Of 116 non-association schools, apparently 65 do not claim to have a library of any kind and not more than 10 appear even to contain the minimum number of volumes required by the standards of the Association of American Law Schools. See Report of Special Committee on Non-Member Schools, ASS'N AM. L. SCHOOLS, HANDBOOK (1936) 285, esp. 292. Where more detailed studies have been made they have fully supported these general conclusions. See *The State Bar of California, Report of the California Survey Committee* (1933) esp. part II, and *The Law Schools of Tennessee, Report of the Survey Committee Appointed by the American Bar Association at the Request of the Tennessee Bar Association* (1938), 15 TENN. L. REV. 311.

³ See post note 21.

⁴ For the text of this provision see ASS'N AM. L. SCHOOLS, HANDBOOK (1937) 224.

⁵ But as was pointed out in the first article in this series (31 L. LIB. J. 141) many additional students do not as a matter of fact receive adequate training in the use of law books.

limited funds at their disposal, the law schools have done remarkably well. If public dissatisfaction with the training and quality of their graduates is to be removed, funds must be found to enable law schools to do a better job."⁶

It is one thing, however, to accept this statement as descriptive of present conditions and quite another to regard it as a justification for taking no further steps unless and until adequate funds are in some miraculous manner provided. Of course, securing funds is one of the important aspects of the problem, but in describing present conditions full account must also be taken of significant present trends—in legal education, in requirements for admission to the bar, in library science—trends which may be utilized to accelerate the tempo of improvement in the law school library service. There is in fact no legitimate cause for discouragement, and indeed the time is ripe for a very much augmented forward movement, the effectiveness of which will be determined largely by the energy and intelligence of a few leaders. It is for these reasons that it is so important that serious consideration be given to any methods whereby desirable results may be obtained. In the following pages a few will be considered not with any thought of minimizing the value of those not mentioned but largely by way of example.

No doubt all will agree that the primary justifications for the existence of any law school are the actual demand for legal education in the community or section which it purports to serve⁷ and its capacity to attract at least a reasonable degree of financial support from its own students, sponsors and friends. This being the case, first consideration should be given to the ways in which additional funds for the library may be derived from these sources.

First and foremost among these, both because of its obviousness and because it is otherwise desirable, is to eliminate all private profit in providing legal education. About this there hardly can be any intelligent difference of opinion, if for no other reason, because it is absolutely impossible to finance adequate training at any tuition within reason without utilizing the entire fund thus secured. Hence, any diversion of funds must be at the expense of the education provided. While in a school with a large student body, and, therefore, a relatively large income from tuition, some legitimate economies may be practiced, the reduction in cost per student will be largely, if not entirely, offset if adequate teaching methods are employed, for, from the library point of view alone, extensive duplication of books and increases in the staff are indispensable. Of course, where library materials are not used in the teaching program the problem of duplication never arises, and in proprietary schools this is invariably the case. That condemnation of the proprietary school is not merely a matter of educational theory is demonstrated by the fact that the performance of these schools

⁶ *Report of the Dean of the School of Law for the Period Ending June 30, 1935* (Columbia University, Bulletin of Information, Thirty-sixth Series, No. 20, February 15, 1936), p. 7-8.

⁷ Of course in the case of the so-called national law schools, which do not draw their students from a single community or section, the justification for their existence is the legitimate demand for the kind of education they are providing. In most if not all instances these schools have attracted a reasonable if not an adequate degree of support.

has been found wanting by every unbiased investigator. But, notwithstanding this fact and the disapproval of both the Association of American Law Schools and the American Bar Association, they have by no means been eliminated.

While such a change would no doubt directly affect only a limited number of schools, it would in these instances amount to a virtual educational revolution. An intelligent utilization of the funds thus made available could be employed in converting some of the most discreditable "lawyer mills" into institutions capable of making a real contribution to the cause of legal education.⁸ Obviously, a reasonable proportion of such funds could and should be devoted to the development of an adequate library service. And no one genuinely interested in legal education should lament the fact that some of these schools would close their doors under such circumstances, for, if the profit motive is the principal cause for their existence and they are incapable of surviving its removal, the sooner they are eliminated the better. Their unquestionably undesirable competition with schools which are honestly endeavoring to maintain higher standards has already too long been an obstacle to the development of a better type of legal education in the United States.

A somewhat closely related practice which under no circumstances should be tolerated is the use of funds secured through tuition from law school students for purposes not connected with the law school itself, for a similar sacrifice of some essential service is here also inevitable, and it can hardly be doubted that in every instance the library will be detrimentally affected. On the contrary, the law school income should usually be substantially augmented. Its legitimate needs should, therefore, constantly be kept before the university authorities and a determined effort should be made to see to it that the law school secures its proportionate share of such general funds as may be available. To achieve this end two lines of approach, among others, immediately suggest themselves. In the first place, the law school should be, in every legitimate way, an active participant in the life of the university. Needless to say, the library provides one of the most effective points of contact, for, if it can be demonstrated that its library is actually endeavoring to provide an all campus service, so far as legal materials are concerned, an undeniable claim to general financial support is thereby clearly established. In the second place, comparative figures can and should be used to the fullest advantage. For example, comparisons with the cost of medical education⁹ amply demonstrate that legal education is not usually receiving adequate financial support (and the law libraries in large measure serve purposes analogous to those of the expensive laboratories and hospitals attached to medical schools). In addition, comparisons with the library funds available in other law schools will frequently prove helpful in specific instances.¹⁰ Sometimes the conclusions which inevitably flow from such comparisons will prevail where every other type of argument has failed. Obviously those inter-

⁸ Some of the better schools which are now providing a high type of legal education were themselves commenced under auspices which were none too promising.

⁹ See *supra* note 6.

¹⁰ See tables of law school library statistics, 30 L. LIB. J. 474.

ested in the law school must not only be convinced of its needs, but they must be prepared to demonstrate them if they are to secure a reasonable degree of support from the university.

But the universities are no more inexhaustible sources of revenue than are the law schools themselves. They are also seeking ways and means of augmenting their incomes. In this connection the increases in tuition, so frequently criticised, are in large measure justified, for there is no valid reason why higher education should be provided at a figure substantially below cost for students who are well able to pay more. The remedy, so far as students not able to meet these expenses are concerned, lies in the more ample provision of scholarships for deserving students, something for which every school should feel a responsibility. This, however, is no part of our present problem. As the general upward trend in tuition is as a matter of fact reflected in the practice of the law schools,¹¹ it is of the greatest importance that, unless the library is otherwise provided for, an adequate proportion of this fee be specifically set aside for library purposes. The great danger lies in the fact that the so-called library fee will be entirely too small, both absolutely and in relation to the total law school budget.¹²

The application of each of the foregoing suggestions for securing additional funds for the library necessarily involves a consideration of the other needs of the law school. There is, therefore, little if any novelty in the emphasis here placed upon them except to the extent that the so frequently overlooked library needs have been stressed. However, it is also perfectly possible to advance the interests of the library more or less independently of the other needs of the law school. Not only may the device usually known as "Friends of the Library" be made a positive factor of value, but the interest of users and friends may be informally cultivated by direct contacts, both through the performing of appropriate services from time to time and by inviting assistance under suitable circumstances. But this is not to indicate that solicitation of funds is suggested. The friends of the library idea is primarily intended to develop a widespread interest expressed in large measure through nominal donations or through the presentation of books and pamphlets which may indeed merely be those no longer of value to the donor. In this connection, however, there is no reason why all friends of a particular library, and others in the community served, should not be reminded from time to time of the fact that the library will be glad to receive books and other materials no longer required for personal use. No doubt many items thus secured are of little value. However, a certain proportion will usually be of interest to the particular library, and others may be

¹¹ See Shafroth, *Current Bar Admission and Law School Requirements*, AM. BAR ASS'N ANNUAL REVIEW OF LEGAL EDUCATION FOR 1936, 31, esp. 41.

¹² This is a matter that deserves careful study and it is sincerely to be hoped that someone will undertake it. Perhaps such comparative figures as are available may on occasion be helpful but they should certainly be used with the greatest caution for there is no reason for assuming that the total amounts available at the several law schools are at present adequate and the significant factors vary so greatly from school to school that comparisons may be misleading. See *supra* note 10.

used effectively in exchanging with other libraries. Occasionally some item of great interest or value will thus come to hand, and sometimes local publications or others not procurable through ordinary channels will in this manner be added to the collection. In this connection friends of the library located at a distance may frequently be helpful in procuring information or in securing items published in their sections, when communications directly from the library have proved unavailing. Usually such persons are glad to be of assistance. But by no means the least important factor is the inevitable development of a wide interest in the library and its future. Goodwill is an extremely important asset, and its definite cultivation greatly increases the prospects for substantial donations either for the library generally or for the development of some special collection.¹³

Is it not altogether probable that the law librarians and others in authority are largely responsible for the fact that lawyers have so frequently bestowed their benefactions elsewhere instead of remembering the libraries of their own profession? Fortunately there are a number of notable exceptions which demonstrate the really splendid way in which lawyers may contribute to the advancement of the profession and, at the same time, create living memorials to their generosity. At any rate, the fact that this is far from always the case is a serious matter, for it is a commonplace among librarians that for the most part the really outstanding collections in all fields owe their existence in whole or in part to private benefactions.

While there are no doubt other ways in which the individual law schools may augment the funds available for the development of their libraries, the fact remains that there are, even in the cases of the most favored schools, limits to the funds procurable through the channels directly connected with specific law schools and the universities of which they are a part. Hence, a pooling of interests and combination of efforts directed to the realization of mutually desirable ends is indispensable. That this is true is attested by the fact that for many years the law schools, and indeed the law libraries themselves, have resorted to at least a moderate degree of cooperation both directly among themselves and through their respective national associations. In consequence, the ground work for a truly significant development of the law school libraries has already been laid and what is now so urgently needed is an intelligent exploitation of the many constructive possibilities actually or potentially available.¹⁴

Fully to achieve these desirable ends will require continuous collaboration

¹³ Those desiring to pursue the matter further may obtain helpful suggestions from two items procurable from the American Library Association without charge. These are entitled "Friends of the Library Groups" and "Remember the Library." For contemporary developments see also the latest report of the Special Membership and Endowment Committee (1938) in 32 AM. LIB. ASS'N BU. 599, and the Proceedings of the meetings held at the Sixtieth Annual Conference of the American Library Association (1938) in 32 AM. LIB. ASS'N BU. 874.

¹⁴ Some of these are embodied in the several reports of the Committee on the Expansion Plan. See L. LIB. J. 25: 176; 26: 93; 27: 40; 29: 133; 30: 433; 31: 216. For a summary of the progress that has taken place since the original plan was adopted, see Roalfe, *Development of American Association of Law Libraries Under the Expansion Plan* (1938) 31 L. LIB. J. 111. See also notes 15 and 16 *post*.

between at least four national groups, for each of these has a direct or indirect interest in the development of the law school libraries. Obviously the American Association of Law Libraries and the Association of American Law Schools should together take the initiative, for the development of the law school library service requires the very best thought that legal educators and law librarians can bring to bear upon the many problems involved. A program based upon a proper division of functions, carefully integrated through the efforts of the committees on cooperation between the two associations,¹⁵ and stimulated and enriched by the periodic round table meetings,¹⁶ should have far reaching consequences. However, the advisability of a more effective utilization of the widespread influence of both the American Bar Association and the American Library Association should not be overlooked. Each group is, as a matter of fact, in touch with the field, the former through the application of its library requirements for schools meeting with its approval, and the latter (though largely indirectly) through its active cooperation with the American Association of Law Libraries.¹⁷

While many of these activities will not be concerned with the securing of additional funds, all should in one way or another enrich the programs of the several law school libraries. For example, when the law libraries by working together are enabled to provide services of value to all at a fraction of the total cost to each member were they undertaken individually, the economy effected will at least to some extent offset the need for additional funds. In order to make this perfectly clear it may be well to turn our attention to a discussion of ways in which cooperative endeavor may be directed toward the achievement of desirable ends, selecting for this purpose a number which have either not been sufficiently emphasized or appear to open up possibilities for further exploration.

No doubt we may perfectly logically begin by pointing out the need for a survey of our law school libraries for the data with respect to them which is at present available is meager, to say the least. If there is any truth in the generally accepted statement that a knowledge of the facts is a prerequisite to the intelligent consideration of any program, this certainly should be a case in point. The information thus acquired would be helpful in a number of ways. For example, such a survey would make it possible, through the use of comparative data, to determine which libraries are the most obviously deficient and in what particulars; it would bring to light specific information of value for a number of special studies devoted exclusively to particular problems; it would provide

¹⁵ For the reports of these committees see ASS'N AM. L. SCHOOLS, HANDBOOK (1936) 332; (1937) 337, and L. LIB. J. 28: 96; 29: 138; 30: 284; 31: 235.

¹⁶ For the proceedings of the Round Table meetings see L. LIB. J. 28: 3; 29: 7-15; 30: 1. (The proceedings of the 1938 Round Table meeting will be published in the March, 1939, number of the LAW LIBRARY JOURNAL. Editor's note.)

¹⁷ For example, it has recently been suggested that the American Bar Association might bring its library requirements more nearly into line with those of the Association of American Law Schools. See *Report of Committee on Expansion Plan* (1938) 31 L. LIB. J. 216 at 220. The reports of the Committee on Cooperation with the American Library Association contain many suggestions of interest to law school libraries. See L. LIB. J. 29: 40; 30: 279; 31: 226.

data for the compilation of a manual of law school library practice; and, finally, it would arm those who advocate a more adequate law school library service with a comprehensive and convincing picture of present conditions, a picture embracing all of the law schools and not just those at the bottom of the scale of which more, although certainly not enough, is already generally known. Many of the so-called better schools would profit greatly from a critical appraisal of their library resources and the service at present provided.¹⁸

It is doubtful if such a survey as has here been suggested could be undertaken in its entirety on a purely voluntary basis and by persons otherwise regularly occupied. Consequently, a special fund for this purpose as well as to insure the publication of the data procured would no doubt be required. Practical considerations might dictate that such a study be included in one of broader scope, as, for example, a survey of all classes of law libraries or a survey of all law schools, including their libraries.¹⁹ To this there should be no objection, provided due consideration is given to the law school libraries as such and their importance is not subordinated or overlooked. In any event, it is not unreasonable to suppose that some means of financing such an undertaking could be found if it were carefully planned and properly sponsored.

But however useful the data thus accumulated might be, its availability should not be regarded as a prerequisite to other constructive action, for as a matter of fact a great deal has been done already and there are a number of ways in which the forward movement may be quite definitely accelerated. Among these is the maintenance of adequate minimum library standards, a matter with which the Association of American Law Schools has been more or less concerned since its organization and one which is receiving increasing attention from the American Bar Association. If there was ever a time when a militant attitude was called for upon the part of those interested in this matter, it is the present. The long, hard struggle to raise these standards should not be abated, and no argument based upon the advisability of bringing more substandard schools under the influence of association with the better schools should be permitted to obscure the fundamental issue. The present requirements have necessarily been formulated with a view to establishing the lowest standard that is consistent with professional decency. They express the minimum, a starting point, and at this level they are intended to give moral support to the schools that can only secure adequate financial assistance if it can be incontrovertibly demonstrated that otherwise they will be regarded generally with disfavor.

¹⁸ The value of what is here suggested is illustrated by the study made by Professor Hic's of the University of Chicago Law Library several years ago in conjunction with the general survey of that University. Many of the constructive recommendations contained therein would be equally applicable to a number of other law school libraries. See Raney, *The University Libraries* (VOL. VII OF UNIVERSITY OF CHICAGO SURVEY, 1933) 156.

¹⁹ Such a survey has been advocated by a number of persons. It was included among the recommendations in the original report of the Committee on the Expansion Plan of the American Association of Law Libraries (see 25 L. LIB. J. 176, 181) and has more recently been called to the attention of that Association in the last report of this committee. See 31 L. LIB. J. 216, 218.

Under the present rapidly changing conditions minimum requirements must themselves constantly evolve or they will in effect gradually become the expression of relatively lower standards. The fact that individual schools are thereby deprived of the group support which they need and are willing to use is not the only serious result. Both of these two accrediting associations should be seriously concerned also over the fact that at present all approved law schools are by the general public believed to be "Class A" educational institutions when nothing could be further from the truth.

While it is undoubtedly true that no minimum requirements, however skillfully drawn, will in and of themselves insure a better library service, such standards are not only indispensable but they may in fact be made far more constructive in their effect than they have been in the past. Is not the time ripe for their critical reexamination with a view to giving them a more dynamic character as, for example, by stressing the importance of personnel, by emphasizing the need for continuous growth, and by consciously directing attention to the actual use of the library as an indispensable feature of the educational program? In this connection, would it not be well seriously to consider the advisability of bringing the slightly less exacting requirements of the American Bar Association more nearly into line with those of the Law School Association?²⁰ There certainly would be some advantage in having the two associations stand together on this matter. Should not some thought also be given to the relationship between the number of students enrolled in the school and the library service required? The contention that the small law school is at present being penalized is not altogether without foundation, and it is quite true that the present requirements do not insure such duplication of important books as is desirable in a school with a large student body.

And, finally, far more serious thought should be given to the question of compliance with whatever standards are established. Inspections should transcend the mere application of more or less mechanical requirements.²¹ The inspector should also ascertain to what extent the library is actually being used by the students and faculty, and he should not only be prepared to offer constructive suggestions for its development, but he should be qualified to put the librarian (frequently a beginner) in touch with the sources of such information as he will more or less continuously require. The competency of the inspector should be measured largely by the degree of success he has achieved in arousing the interest of at least one person in the continuous development of such a library service as legal education now requires. It is doubtful if any person who is not an experienced law librarian is qualified for such an assignment and, while it is arduous work, librarians should be willing to share this responsibility and

²⁰ See *supra* note 17.

²¹ Those who have been directly concerned with this matter are of course perfectly aware of this need. See *Proceedings of the Section on Legal Education of the American Bar Association* (1938) 9 AM. L. S. REV. 63. This need has also been acknowledged by the President of the American Bar Association. See Vanderbilt, *Some Convictions as to Legal Education* (1938) 9 AM. L. S. REV. 40; 24 A.B.A.J. 717.

they should be called upon to do so.²² It seems altogether unlikely that any less aggressive program will eliminate the not uncommon present condition described in the following passage:

"It should not be supposed that forcing schools to secure books of the number and kind required has meant that they are being used; and it is not unusual today for an inspector to be met with the criticism that the Association has placed upon the schools unreasonable and unnecessary expense in order to fulfill a technical requirement.

"Few seemed to consider that the fact that the libraries were not being made use of was a reflection upon the school concerned and upon its faculty and the type of training it was giving to its students. A professor was considered as being scholarly if he referred occasionally to Shakespeare and quoted Latin expressions or the Bible. If it isn't a maxim, it should be—that you can lead a student to knowledge but you cannot make him drink (that is, of knowledge), and this is particularly true when none of the faculty are anxious to partake. In many schools, it may be stated with considerable accuracy that the library has remained a closed book."²³

But no constructive discussion of minimum library requirements can ignore two important and closely related problems, namely, the retarding effect upon the development of legal education generally of the continuing existence of a large number of substandard schools, and the positively harmful character of minimum requirements to the extent that mere compliance is resorted to as an excuse for not further improving the library service in schools where it is possible to do so.

We have already touched upon the first, the substandard schools, when dealing with the question of proprietary schools. However, there are other aspects of the problem which should also be considered. Taking into account only the library service, is it not clear that such schools, by eliminating virtually all expense for the maintenance of a library,²⁴ have a distinct advantage over the better schools in the mere matter of competition for students? The fact that the training provided by them is inferior is seldom, if ever, appreciated by prospective students or the public in general. The expense involved and the time required (both matters of vital concern to many students) are compared,

²² The committees on cooperation between the Association of American Law Schools and the American Association of Law Libraries have both made recommendations to this effect. See 30 L. LIB. J. 286, ASS'N AM. L. SCHOOLS, HANDBOOK (1937) 337, at 339.

²³ See Horack, *The Small Law Library and the Librarian* (1937) 30 L. LIB. J. 6 at 10. That formal compliance and little more is believed to be quite general is suggested by the following interesting statement: "The significance does not lie, of course, in the mere daily use of more books by average students where libraries are greater (perhaps there is not much more daily use of books where there are more books). The significant things are that the law student, surrounded in school by a multitude of books, early acquires an understanding that his is a learned profession, that the possibilities for research and study almost are inexhaustible, and that his law school is a place where scholarship is aimed at and is possible of achievement. If these values are largely spiritual (which the man who thinks of the profession as only another business may sneer at), nevertheless they are tremendously important values." Otis, *The Evening Law School*, AM. BAR ASS'N ANNUAL REVIEW OF LEGAL EDUCATION FOR 1937, p. 7, at 11.

²⁴ See *supra* note 2.

and frequently the easiest route is selected, and the student usually discovers at a much later date the extent to which he has been imposed upon.

Surely this situation involves a responsibility to the public which the legal profession should not continue to evade²⁵ by leaving the problem to a mere handful of their members who, largely unsupported, have labored valiantly year in and year out to remedy conditions. Unquestionably the time has come for a concerted drive to eliminate permanently the substandard school by seeing to it that effective support is withdrawn from every institution that does not comply with such modest standards of decency as to which there hardly can be intelligent differences of opinion. Full advantage should be taken of propitious present trends, such as decreasing enrollment in the law schools, widespread concern regarding the actual or supposed overcrowding of the bar, higher bar admission standards, etc.²⁶ As never before the stage is set for a successful campaign of action and a better library service is one of the important values at stake.

On the other hand, to take up the second point mentioned above, if compliance with minimum standards comes to be generally regarded as a demonstration of adequacy in library service the harmful effect may to a considerable extent offset the gains that accrue from the existence of such standards. Obviously, no school whose resources will permit a further development of the library service should be content with mere compliance, for, while it is imperative that the general level be raised, it is no less important that a larger number of schools share the responsibility, both for providing legal education of the better type and for the conduct of the ever increasing amount of legal research that is required to deal effectively with the constantly multiplying complexities of the law and its administration. Protection from undesirable competition and moral support for schools with a constructive attitude but limited funds must be supplemented by a more widely distributed leadership of the very best kind, for there is little justification for the common assumption that the leadership provided by the faculties and graduates of a few of the national schools will alone suffice. Therefore, the development of the library service of the schools at neither extreme, either as to resources or reputation, becomes a matter of the most vital concern, not only because of the influence that they will exert directly, but because by maintaining higher standards of performance themselves they will probably affect the schools at both of the extremes.

The all important problem of money has not by any means been overlooked. Its consideration has simply been deferred because the foregoing discussion has been helpful in elaborating the ways in which the funds required may be utilized. Surely no one can really seriously doubt the capacity of the profession to

²⁵ This fact has been emphatically pointed out in a recent symposium. See Horack, *The Practitioners' Part in Legal Education*, appearing in TRENDS IN LEGAL EDUCATION, symposium held on April 6, 1938, on the occasion of the dedication of Leche Hall, Law Building of the Louisiana State University Law School.

²⁶ These changes are reflected in the Annual Reviews of Legal Education. See especially Rogers, *The Standard American Law School*, ANNUAL REVIEW OF LEGAL EDUCATION FOR 1936, p. 1, and Shafroth, *Recent Changes in Admission Requirements and Law Schools*, ANNUAL REVIEW OF LEGAL EDUCATION FOR 1937, p. 21.

secure the funds required to provide for the necessary training of its prospective members. This is not the problem. It is specifically one of ways and means. Several have already been suggested. Another possibility lies immediately and, in fact, conspicuously at hand. Is there no significance in the fact that the foundations have taken an active interest in library service generally, in several aspects of the work of the legal profession, and even in legal education itself? The substantial financial support that has been and is today being extended to libraries is such a commonplace that it needs no elaboration, nor need we more than mention the American Law Institute, the American Judicature Society, and the National Bar Program of the American Bar Association to demonstrate the interest of the foundations in the development of the legal profession in general, and indeed the Annual Survey of Legal Education, until recently sponsored by one of them, indicated a definite interest in legal education itself. Why is it then that the extension of financial aid for an exclusively law library purpose is such an unusual occurrence? Indubitably it is not because there has been no need. On the other hand, there is nothing in the present situation to indicate that the foundations would not be interested. Surely it is not their business to ferret out desirable projects, and indeed it is advisable that they wait until the necessary leadership has been developed and fairly definite plans have been formulated. As a matter of fact, the recent grant of \$5,000 to the American Association of Law Libraries by the Carnegie Corporation of New York came in response to the first application for funds by that organization, and it should especially be noted that this application was not made until several years after it had been quite definitely suggested that such an application might receive favorable consideration.²⁷ But what gives these observations significance is the fact that the required leadership is now quite definitely developing, and, in consequence, the outlines of a constructive program are emerging. It follows that there are a number of important undertakings which will be of great value, although they involve expenditures at present beyond the reach of those directly concerned. Intelligent encouragement now should have far reaching consequence.

Lest there be anyone who would be at a loss to name important undertakings for which such financial assistance is indispensable, it may be well to point out a few. We have already referred to a survey of law school libraries.²⁸ In the field of indexing alone there are two important undertakings, namely, the cumulation of the INDEX TO LEGAL PERIODICALS from the beginning through the year 1925, during which period it is at present available only in the numerous annual alphabets, some of which are in fact out-of-print,²⁹ and a consolidated

²⁷ On January 7, 1937, the Carnegie Corporation of New York granted \$5,000 to the American Association of Law Libraries toward the support of its program. (See 30 L. LIB. J. 30.) This was about six years after the *Report of the Informal Conferences on Library Interests* (1931) held under the auspices of the Carnegie Corporation of New York had specifically called attention to the needs of the American Association of Law Libraries.

²⁸ See *supra* page 7.

²⁹ See *Report of the Committee on the Index to Legal Periodicals*, 31 L. LIB. J. 188, and *Report of Committee on Expansion Plan*, 31 L. LIB. J. 216. (The annual cumulations of the INDEX TO LEGAL PERIODICALS for 1921 and 1922 (vols. 14 and 15) are out-of-print. Editor's note.)

index to the many sets of state bar association reports which contain valuable materials that are to a very large extent not accessible today.³⁰ While the *LAW LIBRARY JOURNAL* may for the present provide an adequate outlet for such manuscripts as are being prepared, the American Association of Law Libraries should without doubt in the not distant future sponsor a series of monographs to provide an outlet for more comprehensive studies. It is certainly not too early to make plans for such a series and to consider ways and means of financing desirable publications when the actual need may somewhat anticipate a sufficiently widespread immediate demand to cover the cost of publication. This possibility for stimulating the development of the law library service is too promising to be overlooked.

But concentration upon cooperative enterprises similar to those just mentioned should not be permitted to obscure the fact that every efficiently administered law school library exerts an influence which extends beyond the services rendered to its own immediate public, both because the members of its staff will in one way or another participate in work of value to all and because such libraries will establish and maintain standards which other libraries will be inclined to adopt and follow. We should, therefore, be fully justified in considering some ways in which funds, although secured through group effort, may be utilized to assist specific institutions and the members of their staffs.

For example, the possibility of employing scholarships and fellowships for the purpose of improving the professional standards of law school librarians has not been sufficiently explored. In such a relatively small group even a few opportunities for further training and study should produce far reaching results. No doubt such assistance should be available both to persons seeking to prepare themselves to enter the law library profession and to law librarians desirous of pursuing further studies, and these opportunities should not be restricted to the purely technical aspects of the work, for an adequate service can hardly be developed unless the group contains within itself a substantial number of persons with a broad cultural background and a general grasp of the subject matter involved. Needless to say, the fact that such scholarships and fellowships as are already available, both in law schools and in library schools, are not being utilized for this purpose merely indicates that this matter has not received sufficient attention.

And again, apparently no one has pointed out the somewhat singular fact that the foundations (which have frequently donated entire special collections of books to individual libraries or have financed the purchase of materials in given fields) have almost completely ignored the law school libraries. Is there any valid reason why this means should not be utilized for the distribution of basic legal materials to institutions which could use them? It is in fact a field in which many definite classes of books contain materials of permanent value,

³⁰ For the report of a special committee recently appointed to deal with this problem see 31 *L. LIB. J.* 329. (See also statement of Dennis A. Dooley, State Librarian of Massachusetts at page 23 of this number of *THE JOURNAL*. While the work of indexing is being financed by a WPA grant, funds will be needed to publish the indexes. Editor's note.)

materials which could be most readily distributed in such a manner. No doubt the school assisted might be required to match the funds donated where this can in justice be done. At any rate, this device has been used effectively elsewhere.

Nor should the increasing inclination of the foundations to sponsor or support the cooperative development of two or more libraries located in close proximity be overlooked. In a number of instances two law schools are so situated as to make such cooperation entirely practical, and in others the proximity of a practitioner's library might provide a similar opportunity. The entire responsibility for failing to take full advantage of such opportunities cannot be placed upon the shoulders of those in charge of the institutions concerned. The trouble lies deeper than that. Success in specific instances depends upon the much more general appreciation of the need for such joint collections of legal materials, and this can only be developed through the active leadership of the several national associations most immediately concerned. A request for financial assistance for any one of these local undertakings is far more likely to meet with success when it can be placed in this perfectly legitimate broader setting.

But preoccupation with the foundations as possible sources of financial assistance should not be allowed to obscure the fact that there are other ways of obtaining desirable aid. We have already touched upon one of these, namely, the members of the legal profession themselves, when discussing ways and means of augmenting the resources of specific libraries. However, we should not lose sight of the fact that such benefactions need not necessarily be directed to a particular library. What could be more suitable as an object of interest for the successful lawyer, with no particular institutional loyalties, than the establishment of some service useful to all law school libraries (or all law libraries for that matter) and therefore beneficial to the profession as a whole? Buildings, however desirable, are by no means the only lasting monuments, and indeed books, each bearing the name of the donor, as they serve the needs of successive users, may become frequent reminders of the foresight and generosity of the giver. Contributing thus to the education of prospective lawyers and to the intellectual life of the profession, they in effect endow the benefactor with an enduring participation in the life of the profession of his choice.

How seldom lawyers, who have so much to do with testamentary dispositions, think of the law libraries when invited to make suggestions. Nor do they usually remember them upon their own retirement or at the time of their deaths. And yet their thoughtfulness or their generosity, whether expressed through the bestowal of their own collection of books or in terms of money, might well serve either as the nucleus around which could be developed a professional library in their own community or as a valuable addition to such a library if one has already been established.

And finally, in this day when government is assuming an increasing responsibility for the financial support of desirable services in many fields, whether it be an unmixed blessing or not, the possibilities for obtaining aid from this source should be carefully investigated. There are perhaps a number of ways in which

the development of the law school libraries may be materially advanced in this manner. If so, such opportunities should not be overlooked.³¹

Perhaps there is no more appropriate way to close this series of articles, which has necessarily dealt with many matters, than by calling attention to the two outstanding conclusions which have inevitably emerged as a result of this inquiry, namely, (1) that an adequate library service cannot be provided on a low cost basis, for very substantial sums of money are indispensable, and (2) that under present conditions such a library service as is required can only be created and maintained by a group of persons trained for the specific purpose and qualified to perform the numerous tasks involved. The responsibility for seeing to it that these two essentials are provided is one which must be shared by law school administrators and teachers, for, although a great deal may be expected from a competent library staff, it must never be forgotten that it is not only acting in a representative capacity—that is, for and on behalf of the law school—but that the sole justification for its work is the extent to which others are thereby aided in the performance of their respective duties, whether they be students, teachers or research workers.
